

Notice of Allowability

Application No.

09/488,183

Examiner

Michael W. Hoye

Applicant(s)

ENTWISTLE, PAUL

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 6/21/05.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 20 January 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: Claims 1-7 are allowed.

As for independent claims 1 and 7, the prior art, alone or in combination, does not teach or fairly suggest a television data receiving apparatus which allows the display of a series of programs...comprising generating an electronic program guide...which indicates a schedule of programs including broadcast programs and other information...and means whereby the display of a broadcast program or programs can be delayed and/or interrupted and data received for a remaining broadcast program and/or subsequent broadcast programs stored as a stored program or programs in a memory means for selective display at a later time and wherein when a plurality of said stored and/or broadcast programs, including at least one location representing a broadcast program, are selected for display and display of the same would overlap in time, the electronic program guide at the selected locations is time shifted in response to the delay in display of the remainder of a broadcast program and/or subsequent broadcast programs so as to provide synchronization of the time shifted electronic program guide details with said display of the stored program or programs...

As for the most pertinent prior art of record, the Hassell et al (US 2003/0154477 A1) publication discloses a system which can record programs and information transmitted with the programs, and includes an electronic program guide for displaying recorded programs and a current programs listing. However, the Hassell et al publication does not include the time-

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shifting of the electronic program guide at the selected locations in response to the delay in display of the remainder of the broadcast program and/or subsequent broadcast programs so as to provide synchronization of the time shifted electronic program guide with the display of the stored program(s) and /or the display of the remainder of the broadcast program and/or subsequent broadcast programs and thereby prevent overlap, as does the Applicant's invention in as described in claims 1 and 7.

The Russo et al (USPN 5,701,383) patent discloses a video time-shifting apparatus, and more specifically in Fig. 2C, a graphical display associated with the recording of a program wherein schedule information is available including the name of the program, start time and end time. In addition to, other indicators are displayed, including the real time or current time or the recording of the program, as well as the current point of the playback of the program. However, Russo does not disclose or suggest the display and synchronization of additional stored and/or broadcast program(s) with the remainder of the current program being displayed. In the Applicant's invention these features are specifically discloses in claims 1 and 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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Wood et al (US 2002/0054752 A1) – Discloses a video data recorder with personal channels.

Wood et al (US 2003/0044165 A1) – Discloses a video data recorder with personal channels.

Wood et al (US 2005/0047752 A1) – Discloses a video data recorder with personal channels.

Wood et al (USPN 6,324,338 B1) – Discloses a video data recorder with personal channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.


Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
August 5, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600